

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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INTL FCSTONE MARKETS, LLC,

Plaintiff,

-v-

AGRO SANTINO OOD,

Defendant.
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20-CV-2658 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On November 27, 2020, Plaintiff filed a motion for summary judgment under Rule 56(a) *and* motion to dismiss the counterclaims in Defendant's answer under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a party has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the pleading once as a matter of course.

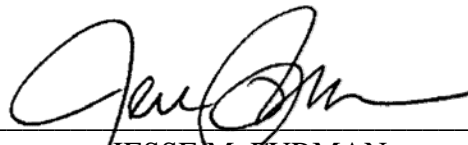
Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on November 6, 2020, ECF No. 20, Defendant shall file any amended answer by **December 18, 2020**. Defendant will not be given any further opportunity to amend the answer to address any issues raised by the motion to dismiss.

If Defendant does amend the answer, by three (3) weeks after the amended answer is filed, Plaintiff shall: (1) file an answer to the counterclaims; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Plaintiff files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Plaintiff files a new motion to dismiss, any opposition shall be filed **within two weeks**, and any reply shall be filed **within one week** of any opposition.

If no amended answer is filed, the existing briefing schedule shall remain in effect, pursuant to which Defendant shall file any combined opposition to the motion for summary judgment and motion to dismiss by **December 30, 2020**, and Plaintiff shall file any reply by **January 11, 2021**. *See* ECF No. 20. If an amended answer is filed, the parties shall promptly confer and submit a joint letter regarding whether and how the summary judgment briefing schedule should be modified.

SO ORDERED.

Dated: November 30, 2020
New York, New York



JESSE M. FURMAN
United States District Judge